

House File 2648 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 714)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to private sector drug testing.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 6462HV 81
4 ec/je/5

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1 1 Section 1. Section 730.5, subsection 1, paragraph h, Code
1 2 Supplement 2005, is amended to read as follows:
1 3 h. "Prospective employee" means a person who has made
1 4 application, whether written or oral, to an employer to become
1 5 an employee or an employee who has made application, whether
1 6 written or oral, to become employed in a safety-sensitive
1 7 position with the employer.

1 8 Sec. 2. Section 730.5, subsection 7, paragraph i,
1 9 subparagraph (2), Code Supplement 2005, is amended to read as
1 10 follows:

1 11 (2) If a confirmed positive test result for drugs or
1 12 alcohol or a test result that is inconclusive or indicates
1 13 that the sample has been diluted or altered for a prospective
1 14 employee is reported to the employer by the medical review
1 15 officer, the employer shall notify the prospective employee in
1 16 writing of the results of the test, of the name and address of
1 17 the medical review officer who made the report, and of the
1 18 prospective employee's right to request records under
1 19 subsection 13. The employer may allow a prospective employee
1 20 to obtain a confirmatory test at an approved lab of the
1 21 prospective employee's choice with costs payable by the
1 22 prospective employee.

1 23 Sec. 3. Section 730.5, subsection 10, paragraph a,
1 24 unnumbered paragraph 1, Code Supplement 2005, is amended to
1 25 read as follows:

1 26 Upon receipt of a confirmed positive test result for drugs
1 27 or alcohol which indicates a violation of the employer's
1 28 written policy, upon receipt of a test result of a prospective
1 29 employee that is inconclusive or indicates that the sample has
1 30 been diluted or altered, or upon the refusal of an employee or
1 31 prospective employee to provide a testing sample, an employer
1 32 may use that test result or test refusal as a valid basis for
1 33 disciplinary or rehabilitative actions pursuant to the
1 34 requirements of the employer's written policy and the
1 35 requirements of this section, which may include, among other
2 1 actions, the following:

2 2 HF 2648

2 3 ec:nh/es/25